



U.S. SENATE COMMITTEE ON

Finance

SENATOR CHUCK GRASSLEY, OF IOWA - CHAIRMAN

<http://finance.senate.gov>

For Immediate Release

Monday, Sept. 8, 2003

Grassley Investigates Tenet Healthcare's Use of Federal Tax Dollars

WASHINGTON – Sen. Chuck Grassley, chairman of the Committee on Finance, is investigating the fraud-plagued Tenet Healthcare Corporation's use of federal tax dollars. Grassley advanced his investigation with a detailed document request to the corporation on Friday. The text of his letter requesting documents follows.

September 5, 2003

VIA FACSIMILE: (805) 563-7070

ORIGINAL BY U.S. MAIL

Mr. Trevor Fetter

Acting Chief Executive Officer and President

Tenet Healthcare Corporation

3820 State Street

Santa Barbara, CA 93105

Dear Mr. Fetter:

The Senate Finance Committee (Committee) has jurisdiction over federal health programs in the United States Senate. The Committee is presently investigating Tenet Healthcare Corporation's (Tenet) corporate governance practices with respect to federal healthcare programs. As Chairman of the Committee, I request that Tenet cooperate with the attached requests for documents relating to, among other matters, allegations of alleged unnecessary heart operations and procedures.

In the annals of corporate fraud, Tenet (formerly National Medical Enterprises (NME)) more than holds its own among the worst corporate wrongdoers. When Mr. Jeffrey Barbakow became president and chief executive of NME in 1993, NME was a scandal-plagued corporation accused of, among other allegations: maintaining a corporate policy at its psychiatric facilities of paying doctors for patient referrals; imprisoning patients for insurance payments; charging insurance companies for treatment and medication that were not provided, provided at grossly inflated prices or provided when unnecessary; and milking insurance until coverage was exhausted. After NME settled a wide-

ranging federal investigation in 1994, for a then record \$379 million healthcare fraud settlement, including \$33 million in criminal fines, Mr. Barbakow, who had been an outside director for NME since 1990, stated that NME's problems were worse than they seemed when he became CEO (prior to his stint as an outside director, Mr. Barbakow helped finance NME's growth for more than a decade as an investment banker for Merrill Lynch).

After taking the reins of the corporation, Mr. Barbakow settled myriad allegations against NME, by agreeing to pay more than \$600 million in legal settlements, and agreeing to plead guilty to several felony offenses, including charges of kickbacks, bribes, unnecessary medical treatments and false billings, at its psychiatric hospitals in 30 states. In addition, NME agreed to divest itself of its psychiatric facilities and agreed to a mandatory corporate integrity agreement (CIA) that required NME to implement a program designed to insure integrity in its relations with the government and the quality of care it provided. Finally, in 1995, NME changed its name to Tenet Healthcare Corporation after merging with American Medical Holdings, Inc.

Unfortunately, a change of names did not change the culture of fraud at the corporation. If anything, Tenet's history of defrauding government healthcare programs reached new heights under Mr. Barbakow. The NME management team that agreed to the record \$379 million settlement in 1994, including Mr. Barbakow, Ms. Christi R. Sulzbach, and four out of ten members of the Board, remained largely intact after the name change to Tenet. Ms. Sulzbach, who signed the settlement and CIA with the Department of Justice (DOJ), was promoted and became Tenet's chief corporate officer, general counsel and chief compliance officer. According to the Department of Health and Human Services (HHS), Office of Inspector General (OIG), Tenet did not stay on the straight and narrow and has been the subject of at least 53 federal investigations dating back to the 1994 CIA, including among others, allegations of cost report fraud, upcoding, overbilling, duplicate billing, kickbacks, providing medically unnecessary services, misrepresenting services, falsifying medical records, billing for services not rendered, providing poor quality of care, and for patient abuse. Tenet has paid over \$500 million to settle many of these investigations.

Even while operating under the CIA, Tenet continued gaming federal healthcare programs. In fact, in April 2001, Tenet settled a qui tam lawsuit that alleged that one of its hospitals overcharged Medicare patients for surgical outpatient pathology services during the period Tenet operated under the CIA. Last January, DOJ filed a \$323 million lawsuit alleging that Tenet illegally submitted more than 19,300 false claims for \$115 million in wrongfully upcoded Medicare bills in order to maximize revenue. According to DOJ, many of the allegations took place during the 5-year period Tenet was under a CIA with HHS-OIG. DOJ alleged that Tenet falsely certified that it was in compliance with Medicare regulations and the terms of its CIA, when in fact, Tenet knew of a significant number of fraudulent claims that had been submitted and for which Tenet had never, and still has not, made restitution to the Medicare program. Apparently, neither Tenet nor Ms. Sulzbach saw any conflict in her wearing two hats as Tenet's general counsel and chief compliance officer. As general counsel, Ms. Sulzbach zealously defended Tenet against claims of ethical and legal non-compliance, e.g., the April 2001 qui tam suit, while as chief compliance officer, she supposedly ensured compliance by Tenet's officers, directors and employees. It doesn't take a pig farmer from Iowa to smell the stench of conflict in that arrangement.

Today Tenet is mired in lawsuits that detail horror stories about patient deaths and complications due to unnecessary angioplasties, coronary bypasses, and heart catheterizations at Redding Medical Center (RMC). On August 6, 2003, DOJ announced a record-setting settlement with RMC, Tenet Healthcare Corporation and Tenet HealthSystems Hospitals, Inc. (hereafter collectively Tenet) over allegations of billing federal health programs for unnecessary care. According to DOJ, Tenet will pay the United States \$54 million to settle False Claims Act allegations that unnecessary cardiac procedures were performed at RMC between January 1, 1997, and December 31, 2002, and then billed fraudulently to the Medicare, Medicaid and TRICARE programs. As part of the settlement, Tenet has agreed to cooperate with government investigators, including HHS-OIG, the Federal Bureau of Investigation (FBI), and the Defense Criminal Investigative Service (DCIS). The settlement is only part of an on-going criminal and civil investigation of the aforementioned allegations of unnecessary cardiac procedures and surgeries at RMC.

It is quite troubling that Tenet did not admit liability or any wrongdoing under the terms of this latest settlement with the government. Moreover, the settlement also ensures that federal prosecutors will not pursue criminal charges against Tenet or RMC. Tenet remains under investigation by federal prosecutors, however, who are seeking to determine whether Tenet should be excluded from government healthcare programs. In addition, multiple government investigations continue into other Tenet practices. Recently, for example, the HHS-OIG completed a comprehensive audit of Tenet hospitals to determine whether Tenet may have improperly manipulated so-called "outlier" payments for reimbursement to Medicare and Medicaid. Those audit findings have been forwarded to DOJ. Among other formal investigations, the Securities Exchange Commission recently issued Tenet a subpoena as part of its investigation related to outlier payments.

No recounting of Tenet's sordid corporate history should fail to note those who have profited most handsomely at Tenet. In 2002, Mr. Barbakow realized over \$115 million from stock option exercises, Thomas Mackey (former-chief operating officer) realized over \$14 million, and in 2001, Ms. Sulzbach realized \$7.25 million from her stock options. Both Mr. Barbakow and Mr. Mackey exercised their options at prices very close to Tenet's all-time high stock value. Unfortunately for Tenet stockholders, in November 2002, Tenet's stock price plummeted on news of the outlier payment scandal and Tenet lost more than \$17 billion in market value. Mr. Mackey, who allegedly orchestrated the outlier pricing strategy, is all the richer for Tenet's machinations, while Tenet stockholders are all the poorer.

Finally, this week HHS-OIG issued a notice of intent to exclude RMC from all federal health programs. According to the OIG, from at least 1999 through 2002, RMC furnished cardiology and cardiac services that were medically unnecessary and failed to meet professionally recognized standards of health care. Apparently, the OIG has determined that doctors at RMC performed many medically unnecessary cardiovascular surgeries. These surgeries may have led to at least two patient deaths. Furthermore, evidence and interviews indicate that RMC senior management knew, or should have known, of the unnecessary and poor quality cardiac services being performed at RMC.

Tenet appears to be a corporation that is ethically and morally bankrupt. Until May 2003, eight out of twelve senior management positions were held by holdovers from NME, including Mr.

Barbakow, Ms. Sulzbach, Michael Focht, Barry Schochet, Bernice Bratter, Maurice DeWald, Lester Korn, and Raymond Mathiasen. Ms. Bratter, Mr. DeWald, and Mr. Korn were finally ousted in April 2003, when Mr. Barbakow stepped down as Chairman. Finally, in May 2003, Mr. Barbakow resigned as CEO, however, Ms. Sulzbach, Mr. Focht, Mr. Schochet, and Mr. Mathiasen remain at Tenet. The \$54 million settlement, as well as Tenet's failure to acknowledge any liability or wrongdoing, is further evidence, in my opinion, that Tenet views healthcare fraud settlements as the cost of doing business with the federal government, while profiting at the expense of innocent victims and America's taxpayers. It is long past due that Tenet, and its officers, directors and board members, be held accountable for the corporate culture and governance practices that resulted in healthcare settlements totaling over a billion dollars in the past decade.

As Chairman of the Finance Committee, I request that Tenet comply with the attached requests for documents in accordance with attached general instructions and definitions. Thank you for your prompt attention to this request. Deliver Tenet's response to the Committee offices in 203 Hart Senate Office Building – the first request for documents should be delivered no later than the close of business on September 24, 2003, and the second request for documents no later than the close of business on October 15, 2003.

Sincerely,

Charles E. Grassley
Chairman

cc: Mark Willett, Government Relations
VIA FACSIMILE: (805) 682-5462

FIRST REQUEST FOR DOCUMENTS

1. The findings and results of the Mercer Consulting Group's review of the cardiology program and all related programs at RMC (Mercer Report).
2. All documents relating to any actual or proposed contractual arrangement, whether written or oral, between Tenet and any of the following doctors: Dr. George Letsou; Dr. Rafael Espada; Dr. Alberto Mitrani; Dr. Satyendra Giri; Dr. Raul Mitrani, including, but not limited to communications (including, but not limited to E-mails) regarding any actual or proposed contractual arrangement between any of the following parties: Tenet administrators, officers or directors; any of the following doctors: Dr. George Letsou; Dr. Rafael Espada; Dr. Alberto Mitrani; Dr. Satyendra Giri; Dr. Raul Mitrani.

SECOND REQUEST FOR DOCUMENTS

3. All documents provided to or made available to the Mercer Consulting Group, which either

directly or indirectly support or provide the basis for the findings and results of the Mercer Report.

4. All internal audits or reports that mention, discuss, or relate to cardiac care or any cardiac care doctor at RMC.

5. All documents provided by Tenet to DOJ, FBI, HHS-OIG, DCIS and /or SEC, that either directly or indirectly relate to the \$54 million settlement of False Claims Act allegations that unnecessary cardiac procedures were performed at RMC between January 1, 1997, and December 31, 2002 (Tenet-RMC Settlement), and then billed to the Medicare, Medicaid and TRICARE programs.

6. All documents received by Tenet from DOJ, FBI, HHS-OIG, DCIS and /or SEC, that either directly or indirectly relate to the Tenet-RMC Settlement.

7. All documents relating to or identifying the number of alleged unnecessary cardiac procedures performed at RMC or revenue associated with alleged unnecessary cardiac procedures performed at RMC between January 1, 1997 and December 31, 2002, on Medicare, Medicaid and TRICARE patients, as alleged by DOJ, FBI, HHS-OIG, DCIS or SEC.

8. All documents received by Tenet from DOJ, FBI, HHS-OIG, DCIS and /or SEC relating to or identifying the number of alleged unnecessary cardiac procedures performed at RMC or revenue associated with alleged unnecessary cardiac procedures performed at RMC between January 1, 1997, and December 31, 2002, on Medicare, Medicaid and TRICARE patients, as alleged by DOJ, FBI, HHS-OIG, DCIS or the SEC.

9. All documents provided by Tenet to DOJ, FBI, HHS-OIG, DCIS and /or SEC, that either directly or indirectly relate to the on-going criminal and civil investigations of alleged unnecessary cardiac procedures and surgeries at RMC.

10. All documents received by Tenet from DOJ, FBI, HHS-OIG, DCIS and /or SEC, that either directly or indirectly relate to the on-going criminal and civil investigations of alleged unnecessary cardiac procedures and surgeries at RMC.

11. From 1990 through the present, all documents relating to communications between any doctor (including, but not limited to Dr. Patrick Campbell, Dr. Bruce Kittrick, Dr. Roy Pick, and Dr. Thomas Drakes), and Tenet administrators, officers or directors (including, but not limited to Stephen Corbeil, Kenneth Rivers, Stephen Schmidt, Hal Chilton, Thomas Mackey, Neil Sorrentino, Dennis Brown, Jeffery Barbakow, Christi Sulzbuch) that raise questions or concerns regarding Tenet's cardiac or related programs, including, but not limited to the necessity for cardiac procedures and surgeries.

12. From 1990 to the present, all documents relating to any communications, which raise questions or concerns regarding unnecessary cardiac procedures at RMC, between any of the following: Tenet's board of directors; Tenet's committees, whether formally or informally constituted; Tenet's administrators or officers; any Tenet employee.

13. From 1990 to the present, all documents relating to communications by any person, Tenet employee (including, but not limited to: doctors; nurses; medical technicians), or Tenet patient, that raise questions or concerns regarding Dr. Chae Hyun Moon.

14. From 1990 to the present, all documents relating to communications by any person, Tenet employee (including, but not limited to: doctors; nurses; medical technicians), or Tenet patient that raise questions or concerns regarding Dr. Fidel Realyvasquez.

15. From 1990 to the present, all documents (including, but not limited to E-mails) that were drafted, sent, received, copied, or forwarded by any of the following persons: Thomas Mackey; Neil Sorrentino; Dennis Brown; Jeffrey Barbakow; Christi Sulzbach; any Tenet administrator, officer or director; which refer to any of the following: RMC; Dr. Chae Hyun Moon; Dr. Fidel Realyvasquez; any doctor named within this request; the cardiac care department or program at RMC; Medicare outlier payments.

16. From 1990 to the present, all documents relating to any actual or proposed contractual arrangement, whether written or oral, between Tenet and Dr. Chae Hyun Moon, including, but not limited to communications regarding any actual or proposed contractual arrangement between any of the following parties: Tenet administrators, officers or directors; Dr. Chae Hyun Moon.

17. From 1990 to the present, all documents relating to any actual or proposed contractual arrangement, whether written or oral, between Tenet and any practice group with which Dr. Chae Hyun Moon was affiliated (including, but not limited to the group Cardiology Associates of Northern California).

18. From 1990 to the present, all documents relating to compensation, either actual or proposed, and Dr. Chae Hung Moon for directorships, appointments and chairmanships of any department at RMC.

19. From 1990 to the present, all documents relating to any actual or proposed contractual arrangement, whether written or oral, between Tenet and Dr. Fidel Realyvasquez, including, but not limited to communications regarding any such actual or proposed contractual arrangement between any of the following parties: Tenet administrators, officers or directors; Dr. Fidel Realyvasquez.

20. From 1990 to the present, all documents relating to any actual or proposed contractual arrangement, whether written or oral, between Tenet and any practice group with which Dr. Fidel Realyvasquez was affiliated (including, but not limited to the group Cardiac Vascular and Thoracic Surgery Group).

21. From 1990 to the present, all documents relating to compensation, either actual or proposed, and Dr. Fidel Realyvasquez for directorships, appointments and chairmanships of any department at RMC.

22. From 1990 to the present, all documents relating to the provision of equipment, office space, or services to any of the following: Dr. Chae Hung Moon; Dr. Fidel Realyvasquez; any other doctor

named within this request.

23. From 1990 to the present, all documents relating to communications regarding peer review of any doctor who performed cardiac procedures and surgeries at RMC (including, but not limited to: Dr. Chae Hyun Moon; Dr. Fidel Realyvasquez; any other doctor named within this request) between Tenet administrators, officers or directors.

24. From 1990 to the present, all documents or reports (including, but not limited to Regional Reports) relating to scoring or tracking doctors, who were practicing at RMC, by any of the following: patient admissions; hospital census; procedures performed; revenue produced; or by any other basis.

25. From 1990 to the present, documents relating to communications between Tenet administrators, officers or directors and any doctor or Tenet employee (including, but not limited to: doctors; nurses; medical technicians) regarding tracking or scoring doctors by any of the following: patient admissions; hospital census; procedures performed; revenue produced; or by any other basis.

26. From 1990 to the present, all documents relating to bonuses or compensation paid to administrators or employees at RMC, including, but limited to documents regarding the method for calculating bonuses or compensation.

27. All documents relating to communications between Tenet administrators, officers or directors and any doctor or Tenet employee (including, but not limited to: doctors; nurses; medical technicians) regarding bonuses or compensation paid to administrators or employees at RMC.

28. From 1990 to the present, all documents relating to the award of stock options to administrators, doctors or employees at RMC, including, but not limited to documents regarding the method for calculating the award of stock options.

29. From 1990 to the present, provide an organizational chart of Tenet that identifies all divisions of the corporation, all corporate officers and to whom they reported within the corporation, and the head of each division within the corporation and to whom such person reported within the corporation.

30. From 1998 to the present, identify all persons at Tenet responsible for formulating and approving Tenet's policies and procedures regarding Medicare outlier payments. For each person identified, provide his or her title and to whom he or she reported and the most recent contact information for those persons.

31. All documents relating to Tenet's policies and procedures regarding Medicare outlier payments.

32. From 1998 to the present, all documents (including, but not limited to E-mails) that were drafted, sent, received, copied, or forwarded by any of the following persons: Thomas Mackey; Neil Sorrentino; Dennis Brown; Jeffrey Barbakow; Christi Sulzbach; any Tenet administrators, officer

or director, which refer to Medicare outlier payments.

33. For each year from 1990 to the present, identify the members for each of the following Tenet entities: Board of Directors; Audit Committee;. Compensation Committee; Corporate Governance Committee; Ethics, Quality & Compliance Committee; Executive Committee; any committee, whether formally or informally constituted, that performed, reviewed or analyzed Medicare and Medicaid reimbursement-related matters for the corporation; any committee, whether formally or informally constituted, that performed, reviewed or analyzed any contractual arrangement with Dr. Chae Hyun Moon and Dr. Fidel Realyvasquez; any committee, whether formally or informally constituted, that performed, reviewed or analyzed peer review of doctors; any committee, whether formally or informally constituted, that performed, reviewed or analyzed the admission of patients, hospital census, or the tracking of revenue by doctor.

34. From 1995 to the present, all documents relating to any communications, which raise any questions or concerns regarding Dr. Israel Chambi (including, but not limited to unnecessary medical surgeries and procedures) at Western Medical Center, between any of the following: Tenet's board of directors; Tenet's committees, whether formally or informally constituted; Tenet's administrators or officers; any Tenet employee.

35. From 1995 to the present, all documents relating to communications by any person, Tenet employee (including, but not limited to: doctors; nurses; medical technicians), or Tenet patient, that raise questions or concerns (including, but not limited to unnecessary medical surgeries and procedures) regarding Dr. Israel Chambi.

36. From 1995 to the present, all documents (including, but not limited to E-mails) that were drafted, sent, received, copied, or forwarded by any of the following persons: Thomas Mackey; Neil Sorrentino; Dennis Brown; Jeffrey Barbakow; Christi Sulzbach; any Tenet administrator, officer or director, which refer to Dr. Israel Chambi.

37. From 1995 to the present, all documents relating to any actual or proposed contractual arrangement, whether written or oral, between Tenet and Dr. Israel Chambi, including, but not limited to communications regarding any actual or proposed contractual arrangement between any of the following parties: Tenet administrators, officers or directors; Dr. Israel Chambi.

38. From 1990 to the present, all documents relating to compensation, either actual or proposed, and Dr. Israel Chambi for directorships, appointments and chairmanships of any department at Western Medical Center.

39. From 1990 to the present, all documents relating to the provision of equipment, office space, or services to Dr. Israel Chambi.

40. From 1990 to the present, all documents relating to communications regarding peer review of Dr. Israel Chambi between any of the following parties: Tenet administrators, officers or directors; doctors at Western Medical Center; Dr. Israel Chambi.

41. All internal audits or reports regarding or referring to Dr. Israel Chambi (including, but not limited to audits or reports regarding unnecessary medical surgeries and procedures) at Western Medical Center.
42. From 1990 to the present, identify all investigations of Tenet by any government agency. Include in your response the name of the investigating agency, a summary of the nature of the investigation, the date upon and manner in which the Board of Directors was first notified of the investigation, the current status of the investigation, and a summary of the results or outcome of such investigation.
43. Provide a summary of the current status of any qui tam lawsuit filed against Tenet and the following documents: all qui tam complaints (including consolidated complaints); DOJ notices of intervention (and partial intervention) and complaints; Tenet's answer to all complaints; and Tenet's motions or responses arising out of the qui tam lawsuits, including all post settlement motions.
44. A copy of Tenet's document retention and document destruction policies that were in effect at any time from 1990 to the present.
45. From 1990 to the present, all documents relating to Tenet's compliance, integrity and ethics policies.
46. From 1990 to the present, all budgets for RMC.
47. For each year from 1990 to the present, all financial reports relating to RMC.

GENERAL INSTRUCTIONS

1. Please note that, for purposes of responding to this document request, the term "document" should be interpreted in accordance with the general definitions attached to this letter.
2. In complying with this document request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. In addition, produce documents that you have a legal right to obtain, documents that you have a right to copy or have access to, and documents that you have placed in the temporary possession, custody, or control of any third party. No documents, records, data or information called for by this request shall be destroyed, modified, removed or otherwise made inaccessible to the Committee.
3. If the document request cannot be complied with in full, it shall be complied with to the extent possible, which shall include an explanation of why full compliance is not possible.
4. In complying with this document request, respond to each enumerated request by repeating the question and identifying the responsive document(s).
5. In the event that a document is withheld on the basis of privilege, provide the following

information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.

6. Each document produced shall be produced in a form that renders the document susceptible of copying.

7. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same document.

8. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances by which the document ceased to be in your possession, or control.

9. This request is continuing in nature. Any document, record, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon location or discovery subsequent thereto.

10. All documents shall be Bates stamped sequentially and produced sequentially.

GENERAL DEFINITIONS

1. The term "Tenet" means its corporation, its board of directors, or one or more of its divisions, subsidiaries or affiliates, or related entities.

2. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to the following: memoranda, reports, statistical or analytical reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (E-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disc, or videotape. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or nonidentical copy is a separate document within the meaning of this term.

3. The terms “relating,” “relate,” or “regarding” as to any given subject means anything that discuss, concerns, reflects, constitutes, contains, embodies, identifies, deals with, or is any manner whatsoever pertinent to that subject, including but not limited to documents concerning the preparation of other documents.

4. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, written, electronic, by document or otherwise, and whether face to face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise. Documents that typically reflect a “communication” include handwritten notes, telephone memoranda slips, daily appointment books and diaries, bills, checks, correspondence and memoranda, and includes all drafts of such documents.

5. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this document request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa to bring within the scope of this document request any information which might otherwise be construed to be outside its scope. The masculine includes the feminine and neuter genders to bring within the scope of this document request any information which might otherwise be construed to be outside its scope.